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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,363	07/16/2002	Karl Frauhammer	10191/2234	9974

26646 7590 09/12/2003

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EXAMINER

SAETHER, FLEMMING

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/049,363	FRAUHAMMER ET AL.	
	Examiner	Art Unit	
	Flemming Saether	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

Specification

The disclosure is objected to because of the following informalities: on page 1, line 21; the specification should not refer to the claims. Appropriate correction is required.

Drawings

The drawings are objected to because the same reference numerals refer to different features. Specifically, different reference numerals should be used in each embodiment. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 10 and 16, are indefinite because it is unclear which embodiment applicant intends to claim. Specifically, the claims require two limbs which are shown in the embodiment of Fig. 1 while at the same time, the claims require a web near an end of one of the limbs which is shown in the embodiment

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of Fig. 2. It is not seen how there could be two limbs with a web at an end of one of the limbs. The claims were examined as being directed to the embodiment of Fig. 2.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sickles (US 2,450,306). Looking at the embodiment of Fig. 5, Sickles discloses a snap ring comprising “two” limbs (56) having lugs (60, 54) with flat ends aligned with a center of the ring, a centering ring member (52) and, a web (not labeled) connecting the centering member to an end of one of the limbs. Since the claims are directed to the “snap ring” any reference to the shaft is only an intended use.

Claims 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartholomew (WO 97/12170). Looking at Figs. 7 and 8, Bartholomew discloses a snap ring comprising a clip having two legs (64) at an end of each is a lug (68) having flat opposing sides while at the other end, of the limbs is situated a web (66) connecting the limbs to a centering ring member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew as applied to claim 10, 13 and 14 above, and further in view of Engelmann (US 3,442,171). Engelmann discloses the ends of the two limbs having lugs with flat surfaces radially aligned with a center (see Fig. 12 and 14). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to make the flat surfaces on the lugs of Bartholomew radially aligned with the center as disclosed in Engelmann since that would allow for the legs to flex more inward for the snap ring to be easily inserted onto a groove.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (APA) in view of Bartholomew. In the "Background Information" the APA describes a method wherein a snap ring is inserted into a groove to retain a sealing ring but, does not describe the specifics of the snap ring. Bartholomew discloses a snap ring as described above. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to use a snap ring as disclosed in Bartholomew in an application as described in the APA since the snap ring in Bartholomew would provide for easy installation and removal.

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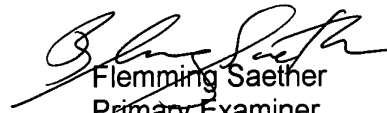
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.


Flemming Saether
Primary Examiner
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